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T. C. Williams School of Law, University of Richmond: Torts I Exam, 22 May 1933

University of Richmond

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T.C. WILLIAMS SCHOOL OF LAW
University of Richmond

TORTS I EXAMINATION

May 20, 1933

Three hours. Give full reasons for all conclusions.

1. D shoots at P intending to kill him. The bullet misses P and strikes and destroys a costly vase belonging to M which is being carried by S. P was not aware of the incident until some hours later, S was greatly startled but not in fear of harm to his person, and he was in no wise physically injured. What are the rights of P, M, and S respectively against D? Why?
2. The President of the United States has declared an embargo on gold. A and B, special officers charged with the enforcement of the embargo, are fishing just off the Atlantic coast. Suspecting that C's nearby island is being used as a base for the illegal shipment of gold, A and B go on the island but a thorough search fails to reveal any evidence of violation of the embargo. As they are leaving A and B discover, dig and carry away a peck of mussels. Discuss the liability of A and B to C.
3. At a concert for cripples, A, a one-legged man, by mistake picks up the crutches of B, another cripple. B tries to retain them but A pulls them from his grasp. At the door A discovers his mistake and, approaching B whose lack of crutches has prevented him from rising, throws them contemptuously at B's feet, exclaiming: "If you report this, I'll get you." B does not report the incident; but later proceeding homeward along the south side of a broad street, he sees C, a strong athletic man, who he mistakenly believes to be A, on the north side of the street. B draws a knife and hobbles toward C. C turns and sees B while he is still some thirty feet away, but makes no attempt to avoid B's attack. However, when B approaches within a few feet of him, C draws a revolver and shoots B, inflicting serious injury upon him. What tort or torts, if any, have been committed? By whom? Against whom? Why? Doctrine.
4. Alarm, who believes that Pierce has set fire to several houses and is planning to set fire to Burns' house, writes an anonymous communication to Chief, the town fire marshal, stating: "Look out for Pierce. He has kept you busy the last month and tomorrow night he'll get Burns' house." As a result, Pierce is shadowed by detectives employed by Chief, but he suffers no damage as it is soon discovered that he is innocent. The town paper prints Alarm's letter with a statement that it has been proved that Pierce has nothing to do with any fires. What causes of action, if any, has Pierce? Why?
5. A gave to the Home Credit Company his note for \$175.00 with power of attorney to confess judgment. Although A paid the note in full on June 1st; on July 5th the Home Credit Company caused judgment to be entered on the note, issued execution, levied on all the personal property of A and advertised the same for sale. Upon discovery of its error the Home Credit Company agreed with A that the judgment should be marked satisfied, which was accordingly done. A brings action to recover damages for malicious prosecution. What judgment? Why? (Scheide vs. Home Credit Co., 162 Atl. 321).

END.